THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 12346 of 2006

Oral order:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APCPDCL.

The petitioner earlier filed writ petition in W.P. No. 11690 of 2004 assailing the orders dated 12.12.2003 passed by the 2nd respondent rejecting his case for appointment to the post of Sub-Engineer. As the petitioner, aggrieved by the said order, is said to have filed appeal before the 1st respondent on 19.01.2004, this court by order dated 09.07.2004, disposed of the writ petition directing the 1st respondent to pass appropriate orders on the appeal. In pursuance of the said order, the 1st respondent considered the appeal of the petitioner, and by proceedings dated 10.09.2004, rejected the appeal stating that the certificates produced by him are not in consonance with the Memo dated 03.12.1999, that all the 50% vacancies earmarked under B.P. Ms. No.36, dated 18.05.1997, for the cadre of Sub-Engineer, have been completely filled up, and that he is not eligible for the post of LDC as he not having the requisite qualification of Typewriting.

Though the petitioner assailed the orders dated 10.09.2004, passed by the 1st respondent rejecting his appeal, the learned counsel appearing on his behalf submitted that after rejection of his appeal, the petitioner acquired Typewriting qualification, and having acquired the Typewriting qualification, he made an application dated 20.05.2006 to the 2nd respondent, requesting him to consider his case for appointment to the post of LDC or any other suitable post based on his qualification, but the action of the 2nd respondent in not passing any orders on his representation, is illegal and arbitrary.

The learned Standing Counsel for the respondents-APCPDCL submitted except the posts reserved for SCs. and STs., there are no vacancies of sub-Engineers vacant.

The petitioner, admittedly, applied for the post of Sub-Engineer,

and the 1st respondent having regard to the fact that 50% posts earmarked under B.P. Ms. No. 36, dated 18.05.1995, were already filled up, rejected the appeal of the petitioner, confirming the order passed by the 2nd respondent, rejecting his case for appointment to the post of Sub-Engineer, and no exception can be taken thereto, and more so when the petitioner failed to produce any material to show that still posts of Sub-Engineers are in existence.

Hence, the writ petition is dismissed. This order, however, does not preclude the respondents from considering and disposing of the representation dated 20.05.2006 made by the petitioner seeking appointment to the post of LDC or any other suitable post. No costs.

N.V. RAMANA, J.

Dated: 22nd June, 2006.
KSR